

**CITY OF EASTPORT
CITY COUNCIL MEETING
WEDNESDAY, SEPTEMBER 10, 2014
SHEAD HIGH SCHOOL - LIBRARY - 6:00 P.M.**

REGULAR COUNCIL MEETING - 6:00 P.M.

Those in Attendance: Councilor Roscoe Archer, Councilor Colleen Dana-Cummings, Councilor Scott Emery, Councilor Gilbert Murphy, and Council President, Mary Repole. Also present were City Manager, Larry Post; Assistant City Manager, Elaine Abbott; Legal Counsel, Dennis Mahar; and City Clerk, Ella Kowal.

Audience Attendance: Jan Finlay, Jon McNerney, Jim Levendosky, Robert Scott, Kathryn Lewis, Steven Glatfelter, Meg McGarvey, Bernard Grz, Mike Morse, Cynthia Morse, Marged Higginson, Ken Brown, Denise Cassidy Brown, Hugh French, Ed French, Lora Whelan, Diana Boone, Walter Cummings, Steve Trieber, Thomas Fredette, Sandra w/PAWS, Greg Noyes, and Jeanne Peacock.

I. CALL TO ORDER - Council President calls the meeting to order at 6:00 p.m.

II. PUBLIC HEARING(S)

- Zoning Ordinance Amendment – Section 5.2.2 & Section 5.3.2

The Council President, Mary Repole, declares the public hearing(s) open at 6:01 p.m. and opens the floor for comment.

Jan Finlay addresses the Council and explains the purpose for the public hearing on a zoning district change and further expounds that this Zoning Ordinance Amendment is relative to Section 5.2.2 and Section 5.3.2.

There were no further comments or questions.

- “Proposed” Sale of City Property Ordinance

Ed French addresses the Council and gives a brief update to the purpose of the public hearing whereby the Charter Review Committee requests that the Council give consideration to an *Ordinance* for the Sale of City-Owned Property.

There were no comments or questions.

Council President, Mary Repole, declared the public hearing closed at 6:06 p.m.

III. ACTION ON PUBLIC HEARING(S)

MOTION EMERY **SECOND** DANA-CUMMINGS **PASSED** 5-0

To *approve* the *Zoning Ordinance Amendment* for a *zoning district change* to Section 5.2.2 and Section 5.3.2 as requested by the Planning Board to change the word “shall” to “may” in both sections and to also add the following sentence: “In the R1 (and R2 respectively) district, if more than one special exception is to be permitted, the cumulative impact of the businesses on the residential neighborhood (defined as an area up to two block radius or up to 500 feet from applicant) must be considered by the board before approving additional request.”

MOTION MURPHY **SECOND** EMERY **PASSED** 5-0

To approve the adoption of an ordinance for the **Sale of City Property** as requested by the Charter Committee.

IV. OPEN PUBLIC FORUM

Ken Brown from the audience addresses the Council with a concern with holes that remain in the parking lot in the location of the Fisherman Statute where the most recent event of the Salmon Festival took place and expresses that they need to take care of before winter. Jeanne Peacock from the audience states that the Chamber will take care of it.

Council President asks if there are any further comments, there were none.

V. ADJUSTMENTS TO AGENDA - THERE WERE NONE

VI. MINUTES OF PREVIOUS MEETING(S) • 8/13/2014

MOTION ARCHER **SECOND** MURPHY **PASSED** 5-0

To *accept and approve* the Council minutes of August 13th, 2014 as submitted by the City Clerk.

VII. UNFINISHED BUSINESS

A) FUEL TANKS - PUBLIC WORKS

The City Manager updates Council that the City is having difficulty getting a response and he will be moving forward with putting this matter out to bid for quotes through an ad.

Councilor Archer addresses the City Manager for an update on the repair of a light pole that was brought to his attention at the last meeting. Mr. Post responds that it is on the agenda to be taken care of, it is just a matter of getting to it. Councilor Archer asks about the guide wire downtown and the City Manager informs that this has been taken care of.

B) TEMPORARY HOLDING SHELTER

The Animal Control Officer, Thomas Fredette, addresses the Council with a request to build a 20x20 temporary holding shelter for dogs and cats. He estimates the expense to be around \$6,000.00 with an additional \$1,000.00 for labor. The location for consideration is just outside the fence at the Sewer Wastewater Treatment Plant. He proposes to cut the labor costs by utilizing the shop students for the build and to give them the learning experience. He continues further to say that the City currently pays the Town of Perry \$1,000 per year but that they do not take cats and we have been taking them to Lubec or Houlton and it is costly. He shares with Council that if the City were to go into contract with PAWS it would cost about \$3,500.00. He feels it would be a cost savings if we were to construct a temporary holding place. He has ten volunteers willing to help out.

Denise Brown Cassidy from the audience asks how the cats would be housed in the facility and Mr. Fredette responded that they would be in cat cages. About $\frac{3}{4}$ of the building would be for dogs and the remainder set for cats. Questions were raised with regard to budgeting.

Sandra with PAWS speaks to the strategy of what we are trying to do and what is required of us. She further comments to say that the facility would have to be licensed as a temporary holding facility which is required by the State.

Mr. Fredette responds to say that the idea is to have the same resource that they now have with Perry only to include cats.

Jan Finlay speaks to her concern of the rising number of unleashed dogs. Council President asks Lora Whelan if she could place a notice in the Quoddy Tides that the City does have a leash law and also suggests publicizing a contact number.

MOTION MURPHY SECOND ARCHER PASSED 5-0

To table this matter until further notice.

VIII. NEW BUSINESS

A) ACCEPTANCE OF MICRO ENTERPRISE ASSISTANCE GRANT.

The City Manager updates Council that he has just learned today that this requires a *second* public hearing to accept the funds of the CDBG Micro-enterprise Assistance Grant for the downtown Facade Improvements and that he will be making a request this evening to schedule said hearing for the next Council meeting on October 8th, 2014.

Hugh French informs Council that he believes the amount to be \$150,000 and that it is for the continuance of a current facade program in the downtown historic district.

MOTION MURPHY SECOND EMERY PASSED 5-0

To accept the Micro Enterprise Assistance Grant in the amount of \$150,000.

B) AWARD OF SAND BID

The City Manager updates Council that there was only one bid received and it was from Hallowell Construction at \$11.85 per yard for a total amount of \$18,960.00.

Councilor Dana-Cummings asks if the County gives us the option to purchase along with other towns. The City Manager responds that it is only done with the salt bid.

MOTION ARCHER **SECOND** DANA-CUMMINGS **PASSED** **5-0**

To *award* the sand bid to Halowell Construction at **\$11.85 per yard** for a total amount of **\$18,960.00** with the stipulation that it is *pending the City's acceptance of the quality of the sand*.

C) APPOINTMENT of FY2016 BUDGET COMMITTEE MEMBERS

MOTION MURPHY **SECOND** DANA-CUMMINGS **PASSED** **5-0**

To approve the appointment of Jack Reece, Merilyn Mills, Dean Pike, Alex Smeaton, and John Venskus as full-time members to the FY2016 Budget Committee as well as Steven Glatfelter and Elizabeth Hastings-Renner as alternate members.

D) APPOINTMENT OF PLANNING BOARD MEMBERS

MOTION MURPHY **SECOND** EMERY **PASSED** **5-0**

To appoint Jack Reece, John Elwell, and Lisa Stephen to the Planning Board.

E) PERPETUAL CARE LOT – HILLSIDE WEST, SECTION E – LOT #5C MILLARD & ANN HARRISON

MOTION EMERY **SECOND** ARCHER **PASSED** **5-0**

To approve perpetual care in the amount of \$300.00 for Millard and Ann Harrison in Hillside West, Section E, New Lots #5C.

F) ABATEMENT OF FY2013 & FY2014 TAXES – 7 ISLAND VIEW DR - #E4-0A2-09

MOTION EMERY **SECOND** MURPHY **PASSED** **5-0**

To approve the abatement of real estate taxes on Account #177 due to an acreage error for a total of **\$220.80** which is reflective of the FY2013 for \$110.40 as well as the FY2014 for an amount of \$110.40.

G) LOCAL HEALTH OFFICER

The City Manager updates Council that it is the State law that *every* municipality shall employ a local health officer. He also informs Council that he is looking into other neighboring communities as to whom they employ and the possibility of sharing. He explains that although the position would be part-time, it does require certification. Councilor Dana-Cummings suggests that the City check with the Health Center to see if there are any options there.

MOTION ARCHER **SECOND** DANA-CUMMINGS **PASSED** **5-0**

To table this item at this time.

H) WRITE OFF – PP ACCT #17 – FY2014 (\$27.95) – CLARK'S PLUMBING

MOTION DANA-CUMMINGS **SECOND** EMERY **PASSED** 5-0

To *approve* an *abatement* of business personal property tax for **FY2014** in the amount of **\$27.95** referencing **Account #17** formerly **Clark's Plumbing & Heating** as they were not in business at that time.

I) CAPITAL PROGRAM

MOTION DANA-CUMMINGS **SECOND** EMERY **PASSED** 4-1
(MURPHY “NO”)

To schedule a Council Workshop with the Budget Committee for Wednesday, October 8th, 2014 at 5:00 p.m. at Shead High School in the Library for discussion of the Capital Program.

IX. SCHEDULING of PUBLIC HEARING(s) - if applicable

MOTION EMERY **SECOND** MURPHY **PASSED** 5-0

To approve the *scheduling* of *public hearings* on October 8th, 2014 at 6:00 p.m. one for acceptance of a Micro-Enterprise Assistance CDBG Grant-Facade Improvements and the others being for the renewal of a Liquor License application, the renewal of a Special Entertainment License, and the renewal of a Victualer License for Robert DelPapa d/b/a WACO Diner.

X. REPORTS

1) City Manager

MOTION MURPHY **SECOND** EMERY **PASSED** 4-1
To *accept and approve* the City Manager's report as presented. (ARCHER “NO”)

2) Departments (Financial; Code Enforcement; Police; Public Works; & Sewer)

MOTION ARCHER **SECOND** MURPHY **PASSED** 5-0
To *accept and approve* the Financial Report, Code Enforcement Report, Police Report, Public Works Report, and the Sewer Report for the month of **August, 2014** as presented.

3) Boards & Committees (Planning Board; Zoning Board; Historic Review; Airport; Harbor; Downtown; Charter Committee; Port; Energy Committee; Ordinance Review; Park & Recreation; & Recycling Committee)

MOTION MURPHY **SECOND** EMERY **PASSED** 5-0
To *accept and approve* the reports as presented by the boards and committees for **August, 2014**.

4) Council • Ambulance • Marion Transfer Station

MOTION EMERY **SECOND** ARCHER **PASSED** 5-0
To *accept and approve* the Ambulance and Marion Transfer reports as given for **August, 2014**.

XI. COUNCIL ISSUES - NONE

XII. EXECUTIVE SESSION

MOTION MURPHY **SECOND** ARCHER **PASSED** 5-0 (7:30 P.M.)
To *go into* Executive Session under Title 1 M.R.S.A. § 405(6)(A) to discuss a Personnel Matter and to also go in under Title 1 M.R.S.A. § 405(6)(E) to consult with Legal Counsel.

MOTION ARCHER

SECOND MURPHY

PASSED 5-0 (7:40 P.M.)

To *come out* of Executive Session.

XIII. ACTION from EXECUTIVE SESSION - NO ACTION TAKEN

XIV. ADJOURN

MOTION MURPHY

SECOND ARCHER

PASSED 5-0 (7:41 P.M.)

To adjourn.